

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

**TRUEPOSITION, INC.,**

**Plaintiff and  
Counterclaim-Defendant,**

**v.**

**ANDREW CORPORATION,**

**Defendant and  
Counterclaim Plaintiff.**

**Civil Action No. 05-00747-SLR**

**ORDER**

At Wilmington this \_\_\_\_\_ day of \_\_\_\_\_, 2007,

WHEREAS, Defendant/Counterclaim Plaintiff Andrew Corporation has moved pursuant to *Daubert v. Merrell Dow Pharms., Inc.*, 509 U.S. 579 (1993) and Federal Rules of Evidence 403 and 702 for an Order limiting the testimony of Dr. Brian Agee, and after considering all papers and arguments in support of and in opposition to this motion,

IT IS HEREBY ORDERED that Andrew Corporation's motion is granted and that Dr. Agee's "opinions relating to Kono being no more pertinent than the prior art considered during examination of the '144 patent" are excluded.

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United States District Judge